

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7971**

**BILL NUMBER: SB 466**

**DATE PREPARED:** Jan 13, 2001

**BILL AMENDED:**

**SUBJECT:** Implied Consent.

**FISCAL ANALYST:** David Hoppmann

**PHONE NUMBER:** 232-9559

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill requires a law enforcement officer to offer a chemical test to a person who the officer has reason to believe operated a vehicle that was involved in a fatal accident or an accident involving serious bodily injury to determine if alcohol, a controlled substance, or a drug is present in the person's body.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** The State Department of Toxicology (the Department) could experience a minimal increase in administrative expenses regarding the certification of additional breath test instruments purchased by counties.

*Background:* Under current Indiana law, the Department is required to establish standards and regulations for the selection and certification of Indiana's 227 breath test instruments and associated chemicals prior to their evidentiary use. Breath test instruments weigh approximately 60 lbs. each and cost approximately \$6,500.

Each instrument is permanently situated at either a local police precinct or county jail within Indiana's 92 counties. Each county has at least one instrument, and large counties may have as many as 15-20 within their boundaries.

The Department currently certifies all instruments to compliance (with adopted standards) every 180 days and notifies the clerk of the respective county circuit court in writing of the certification of inspection. Certification is performed by the Department's six certified inspectors. The Department also provides support materials for the instruments, such as mouth pieces and instrument paper.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Counties could experience an increase in administrative expenses due to the purchasing of additional breath test instruments or due to providing additional blood, urine, or other bodily fluid testing. The specific effects would vary by county, and would depend upon the number of law enforcement agencies operating within each county that increase breath and/or chemical analysis in accordance with the provisions of this bill.

Under current Indiana law, law enforcement officers are not required to offer a chemical test to individuals who operated a vehicle involved in a fatal accident or in an accident involving serious bodily injury. However, it is estimated that the majority of law enforcement agencies do so in accordance with local policy.

*Background:* When an individual is pulled over for suspected “driving while under the influence”, several steps occur in the field before the actual evidentiary sobriety test is conducted at either the police precinct or county jail. They are as follows: 1) The individual is pulled over by a law enforcement officer; 2) various physical field sobriety tests are conducted with questions posed by the law enforcement officer; 3) a hand-held sobriety test is conducted (non-evidentiary); and 4) if positive, the individual is taken to the police precinct or county jail for an evidentiary analysis.

There are currently 448 city and town police departments and 92 county sheriff departments in the State of Indiana.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Law Enforcement Agencies.

**Information Sources:** Dr. Klaunig, Director, State Department of Toxicology (317) 274-7824; Doug Gosser, Indiana Sheriff’s Association, (317) 356-3633.